

CLOSED

**U.S. District Court
Southern District of California (San Diego)
CIVIL DOCKET FOR CASE #: 3:15-cv-00452-BTM-LL**

Smart-Tek Service Solutions Corp. v. United States Internal
Revenue Service
Assigned to: Judge Barry Ted Moskowitz
Referred to: Magistrate Judge Linda Lopez
Cause: 05:0552fi Freedom of Information Act

Date Filed: 02/27/2015
Date Terminated: 11/26/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Smart-Tek Service Solutions Corp

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V.

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Date Filed	#	Docket Text
02/27/2015	<u>1</u>	COMPLAINT Against United States Internal Revenue Service (Filing fee \$ 400 receipt number 0974-7847836.), filed by Smart-Tek Service Solutions Corp. (Attachments: # <u>1</u> Cover Sheet) The new case number is 3:15-cv-00452-H-NLS. Judge Marilyn L. Huff and Magistrate Judge Nita L. Stormes are assigned to the case. (Shamoun, Ronson)(acc)(jrd) (Entered: 02/27/2015)
02/27/2015	<u>2</u>	Summons Issued. Counsel receiving this notice electronically should print this summons and serve it in accordance with Rule 4, Fed.R.Civ.P and LR 4.1. (acc)(jrd) (Entered: 02/27/2015)
03/03/2015	<u>3</u>	CERTIFICATE OF SERVICE by Smart-Tek Service Solutions Corp re <u>1</u> Complaint, (Shamoun, Ronson) (ag). (Entered: 03/03/2015)
03/09/2015	<u>4</u>	SUMMONS Returned Executed by Smart-Tek Service Solutions Corp. United States Internal Revenue Service served. (Shamoun, Ronson) (ag). (Entered: 03/09/2015)
03/09/2015	<u>5</u>	SUMMONS Returned Executed by Smart-Tek Service Solutions Corp. United States Internal Revenue Service served. (Shamoun, Ronson) (ag). (Entered: 03/09/2015)
03/20/2015	<u>6</u>	NOTICE OF RELATED CASE(S) by Smart-Tek Service Solutions Corp of case(s) 15-cv-447-BTM-JMA; 15-cv-455-H-BGS; 15-cv-453-JLS-RBB; 15-cv-449-L-NLS re <u>1</u> Complaint, . (Shamoun, Ronson) Modified on 3/23/2015 to note that a low number order was issued; 15-cv-447-BTM-JMA (ag). (Entered: 03/20/2015)
03/20/2015	<u>7</u>	NOTICE of Party With Financial Interest by Smart-Tek Service Solutions Corp re <u>1</u> Complaint, (Shamoun, Ronson) (ag). (Entered: 03/20/2015)
03/27/2015	<u>8</u>	ORDER OF TRANSFER PURSUANT TO LOW NUMBER RULE. Case reassigned to Judge Barry Ted Moskowitz and Magistrate Judge Jan M. Adler for all further proceedings. Judge Marilyn L. Huff and Magistrate Judge Nita L. Stormes no longer assigned to case. Create association to 3:15-cv-00447-BTM-JMA. The new case number is 15-CV-0452-BTM-JMA. Signed by Judge Marilyn L. Huff on 03/27/2015. Signed by Judge Barry Ted Moskowitz on 03/25/2015.(ag) (Entered: 03/30/2015)
03/31/2015	<u>9</u>	MOTION for Extension of Time to File Answer <i>or other Responsive Pleading</i> by United States Internal Revenue Service. (Attachments: # <u>1</u> Supplement Proposed Order)(Josey, Stephen)Attorney Stephen Andrew Josey added to party United States Internal Revenue Service(pty:dft) qc email re proposed order on 4/1/2015 (rlu). (Entered: 03/31/2015)
04/01/2015	<u>10</u>	MOTION re <u>9</u> MOTION for Extension of Time to File Answer <i>or other Responsive Pleading for entry of Stipulation</i> by United States Internal Revenue Service. (Attachments: # <u>1</u> Supplement Stipulation)(Josey, Stephen) qc email re proposed order on 4/2/2015 (rlu). (Entered: 04/01/2015)

04/03/2015	<u>11</u>	Stipulation Regarding Time for Answer. The parties stipulate that the United States has until 05/04/2015 to answer or otherwise respond to the Plaintiffs complaint. Signed by Judge Barry Ted Moskowitz on 04/01/2015. (ag) (Entered: 04/03/2015)
04/03/2015	<u>12</u>	ORDER. The United States Motion for Entry of Stipulation is hereby granted. Signed by Judge Barry Ted Moskowitz on 04/03/2015.(ag) (Entered: 04/03/2015)
05/04/2015	<u>13</u>	MOTION to Dismiss for Failure to State a Claim <i>or in the alternative for Summary Judgment</i> by United States Internal Revenue Service. (Attachments: # <u>1</u> Memo of Points and Authorities, # <u>2</u> Exhibit A – Florida Secretary of State Information)(Josey, Stephen) (rlu). (Entered: 05/04/2015)
05/22/2015	<u>14</u>	RESPONSE in Opposition re <u>13</u> MOTION to Dismiss for Failure to State a Claim <i>or in the alternative for Summary Judgment</i> filed by Smart-Tek Service Solutions Corp. (Shamoun, Ronson) qc email re lacking pos on 5/26/2015 (rlu). (Entered: 05/22/2015)
05/26/2015	<u>15</u>	CERTIFICATE OF SERVICE by Smart-Tek Service Solutions Corp re <u>14</u> Response in Opposition to Motion (Shamoun, Ronson) (rlu). (Entered: 05/26/2015)
05/28/2015	<u>16</u>	REPLY to Response to Motion re <u>13</u> MOTION to Dismiss for Failure to State a Claim <i>or in the alternative for Summary Judgment</i> filed by United States Internal Revenue Service. (Josey, Stephen) (rlu). (Entered: 05/28/2015)
07/27/2015	<u>17</u>	ORDER Denying <u>13</u> Motion to Dismiss and Denying Motion for Summary Judgment without prejudice. Defendants shall file an answer to the Complaint within 14 days of the entry of this Order. Signed by Judge Barry Ted Moskowitz on 7/27/2015. (rlu) (Entered: 07/28/2015)
08/11/2015	<u>18</u>	ANSWER to <u>1</u> Complaint, by United States Internal Revenue Service.(Josey, Stephen)(rlu). (Entered: 08/11/2015)
08/11/2015	<u>19</u>	ORDER Scheduling Telephonic Case Management Conference set for 9/15/2015 at 9:30 AM before Magistrate Judge Jan M. Adler. Signed by Magistrate Judge Jan M. Adler on 8/11/2015.(rlu) (Entered: 08/11/2015)
09/15/2015	20	Minute Entry for proceedings held before Magistrate Judge Jan M. Adler: Case Management Conference held on 9/15/2015. (Plaintiff Attorney Ronson Shamoun). (Defendant Attorney Stephen Josey). Court to issue order. (no document attached) (cdc) (Entered: 09/15/2015)
09/15/2015	<u>21</u>	ORDER: The Court convened a Case Management Conference on 9/15/2015. (1) Setting Deadline to Complete Document Production and (2) Scheduling a telephonic Case Management Conference for 12/15/2015 at 9:30 AM before Magistrate Judge Jan M. Adler. Signed by Magistrate Judge Jan M. Adler on 9/15/2015.(rlu) (Entered: 09/15/2015)
12/15/2015	22	Minute Entry for proceedings held before Magistrate Judge Jan M. Adler: Case Management Conference held on 12/15/2015. (Plaintiff Attorney Ronson Shamoun). (Defendant Attorney Stephen Josey). Case Management Conference set for 1/27/2016 09:30 AM before Magistrate Judge Jan M. Adler. Counsel shall use the same call-in information previously provided. (no document attached) (cdc) (Entered: 12/15/2015)
01/27/2016	23	Minute Entry for proceedings held before Magistrate Judge Jan M. Adler: Case Management Conference held on 1/27/2016. (Plaintiff Attorney Ronson Shamoun). (Defendant Attorney Stephen Josey). Case Management Conference set for 3/2/2016 09:30 AM before Magistrate Judge Jan M. Adler. Counsel shall use the same call-in information previously provided. (no document attached) (cdc) (Entered: 01/27/2016)
03/02/2016	24	Minute Entry for proceedings held before Magistrate Judge Jan M. Adler: Case Management Conference held on 3/2/2016. (Plaintiff Attorney Ronson Shamoun). (Defendant Attorney Stephen Josey). Court to issue order. (no document attached) (cdc) (Entered: 03/02/2016)
03/02/2016	<u>25</u>	ORDER: (1) Setting Filing Deadline for Motions for Summary Judgment and (2) Scheduling Case Management Conference. Motions for summary judgment must be filed on or before 9/12/2016. A telephonic Case Management Conference will be held on 5/19/2016 at 9:30 AM before Magistrate Judge Jan M. Adler. Signed by Magistrate Judge Jan M. Adler on 3/2/2016.(rlu) (Entered: 03/02/2016)

05/19/2016	<u>26</u>	Minute Entry for proceedings held before Magistrate Judge Jan M. Adler: Case Management Conference held on 5/19/2016. (Plaintiff Attorneys Ronson Shamoun, Allison Soares, Brad Paladini). (Defendant Attorney Stephen Josey). (no document attached) (cdc) (Entered: 05/19/2016)
08/24/2016	<u>27</u>	MOTION for Extension of Time to File <i>Motion for Summary Judgment</i> by United States Internal Revenue Service. (Josey, Stephen) (rlu). (Entered: 08/24/2016)
08/26/2016	<u>28</u>	ORDER granting <u>27</u> Motion for Extension of Time to File. The deadline to file motions for summary judgment is continued from 9/12/2016 to 10/7/2016. Signed by Magistrate Judge Jan M. Adler on 8/26/2016. (no document attached) (cdc) (Entered: 08/26/2016)
10/07/2016	<u>29</u>	MOTION for Summary Judgment by United States Internal Revenue Service. (Attachments: # <u>1</u> Notice of Motion, # <u>2</u> Memo of Points and Authorities, # <u>3</u> Declaration of Rosanna Savala, # <u>4</u> Declaration of Delphine Thomas, # <u>5</u> Declaration of Christopher Valvardi)(Josey, Stephen) (acc). (Entered: 10/07/2016)
10/28/2016	<u>30</u>	NOTICE of Association of Counsel by Smart-Tek Service Solutions Corp (Semerdjian, Dick)Attorney Dick A Semerdjian added to party Smart-Tek Service Solutions Corp(pty:pla) (rlu). (Entered: 10/28/2016)
10/28/2016	<u>31</u>	RESPONSE in Opposition re <u>29</u> MOTION for Summary Judgment filed by Smart-Tek Service Solutions Corp. (Attachments: # <u>1</u> Declaration Declaration of Brian Bonar in Support of Opposition)(Semerdjian, Dick) (rlu). (Entered: 10/28/2016)
11/23/2016	<u>32</u>	NOTICE of Appearance and Substitution of Counsel by Ryan O. McMonagle on behalf of United States Internal Revenue Service (McMonagle, Ryan)Attorney Ryan O. McMonagle added to party United States Internal Revenue Service(pty:dft) qc email re lacking pos on 11/28/2016 (rlu). (Entered: 11/23/2016)
11/29/2016	<u>33</u>	CERTIFICATE OF SERVICE by United States Internal Revenue Service re <u>32</u> Notice of Appearance, (McMonagle, Ryan) (rlu). (Entered: 11/29/2016)
01/13/2017	<u>34</u>	REPLY to Response to Motion re <u>29</u> MOTION for Summary Judgment filed by United States Internal Revenue Service. (McMonagle, Ryan) (Entered: 01/13/2017)
01/20/2017	<u>35</u>	MINUTE ORDER, Motions Submitted <u>29</u> MOTION for Summary Judgment (no document attached) (rfm) (Entered: 01/20/2017)
07/10/2017	<u>36</u>	ORDER Granting in part and Denying without prejudice in part Defendant's <u>29</u> Motion for Summary Judgment. Signed by Judge Barry Ted Moskowitz on 7/10/2017. (rlu) (Entered: 07/10/2017)
08/14/2017	<u>37</u>	ORDER Scheduling Case Management Conference. Telephonic Case Management Conference set for 9/14/2017 at 9:30 AM before Magistrate Judge Jan M. Adler. Signed by Magistrate Judge Jan M. Adler on 8/14/2017.(mxn) (Entered: 08/14/2017)
09/14/2017	<u>38</u>	Minute Entry for proceedings held before Magistrate Judge Jan M. Adler: Case Management Conference held on 9/14/2017. (Plaintiff Attorneys Ronson Shamoun, Dick Semerdjian, Owen Praskievicz). (Defendant Attorney Ryan McMonagle). (no document attached) (cdc) (Entered: 09/14/2017)
09/15/2017	<u>39</u>	ORDER Setting Filing Deadline for Motions for Summary Judgment. The Court convened a Case Management Conference on 9/14/2017 at 9:30 a.m. Based on the Court's discussions with counsel, it is hereby ordered that additional cross-motions for summary judgment must be filed on or before 11/15/2017. Signed by Magistrate Judge Jan M. Adler on 9/15/2017.(mxn) (Entered: 09/15/2017)
11/09/2017	<u>40</u>	Joint MOTION for Extension of Time to File <i>Cross-Motions for Summary Judgment</i> by United States Internal Revenue Service. (McMonagle, Ryan)(mxn). (Entered: 11/09/2017)
11/09/2017	<u>41</u>	ORDER granting <u>40</u> Motion for Extension of Time to File. Cross-motions for summary judgment must be filed on or before 11/29/2017. Signed by Magistrate Judge Jan M. Adler on 11/9/2017. (no document attached) (cdc) (Entered: 11/09/2017)
11/29/2017	<u>42</u>	MOTION for Summary Judgment by Smart-Tek Service Solutions Corp. (Attachments: # <u>1</u> Memo of Points and Authorities, # <u>2</u> Declaration, # <u>3</u> Proof of

		Service)(Semerdjian, Dick)(mxn). (Entered: 11/29/2017)
11/29/2017	<u>43</u>	MOTION for Summary Judgment <i>on Remaining Issues</i> by United States Internal Revenue Service. (Attachments: # <u>1</u> Memo of Points and Authorities, # <u>2</u> Declaration Christopher P. Valvardi, # <u>3</u> Declaration Delphine V. Thomas)(McMonagle, Ryan)(mxn). (Entered: 11/29/2017)
01/12/2018	<u>44</u>	RESPONSE in Opposition re <u>43</u> MOTION for Summary Judgment <i>on Remaining Issues</i> filed by Smart-Tek Service Solutions Corp. (Attachments: # <u>1</u> Proof of Service)(Praskievicz, Owen)(mxn). (Entered: 01/12/2018)
01/12/2018	<u>45</u>	RESPONSE in Opposition re <u>42</u> MOTION for Summary Judgment filed by United States Internal Revenue Service. (McMonagle, Ryan)(mxn). (Entered: 01/12/2018)
01/19/2018	<u>46</u>	***DOCUMENT WITHDRAWN PER <u>48</u> NOTICE OF WITHDRAWAL*** REPLY to Response to Motion re <u>43</u> MOTION for Summary Judgment <i>on Remaining Issues</i> filed by United States Internal Revenue Service. (McMonagle, Ryan) QC email sent re: wrong event selected (mxn). Modified to withdraw on 1/24/2018 (mxn). (Entered: 01/19/2018)
01/19/2018	<u>47</u>	REPLY to Response to Motion re <u>42</u> MOTION for Summary Judgment filed by Smart-Tek Service Solutions Corp. (Attachments: # <u>1</u> Proof of Service)(Praskievicz, Owen)(mxn). (Entered: 01/19/2018)
01/23/2018	<u>48</u>	NOTICE OF WITHDRAWAL OF DOCUMENT by United States Internal Revenue Service re <u>46</u> Reply to Response to Motion filed by United States Internal Revenue Service . (McMonagle, Ryan)(mxn). (Entered: 01/23/2018)
01/23/2018	<u>49</u>	RESPONSE in Support re <u>43</u> MOTION for Summary Judgment <i>on Remaining Issues</i> filed by United States Internal Revenue Service. (McMonagle, Ryan)(mxn). (Entered: 01/23/2018)
01/26/2018	<u>50</u>	MINUTE ORDER, Motions Submitted <u>42</u> MOTION for Summary Judgment , <u>43</u> MOTION for Summary Judgment <i>on Remaining Issues</i> (no document attached) (rfm) (Entered: 08/13/2018)
10/29/2018	<u>51</u>	ORDER OF TRANSFER. This case is transferred from the calendar of the Honorable Magistrate Judge Jan M. Adler, to the calendar of the Honorable Linda Lopez for all further proceedings. All conferences or hearing dates previously set before Judge Adler will remain as scheduled and will be before Judge Lopez. Any dates set before any district judge remain unchanged. The new case number is 15-cv-00452-BTM-JMA. Signed by Magistrate Judge Barbara Lynn Major on 10/29/2018.(sjm) (Entered: 10/30/2018)
11/26/2018	<u>52</u>	ORDER GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AND DENYING PLAINTIFF'S MOTIOIN FOR SUMMARY JUDGMENT re <u>42</u> , <u>43</u> . Signed by Judge Barry Ted Moskowitz on 11/26/2018. (sjm) (Entered: 11/27/2018)